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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,410	07/25/2003	Donald E. Hutchison II	15777.1	2834
24919	7590	09/14/2004	EXAMINER	
MCAFEE & TAFT TENTH FLOOR, TWO LEADERSHIP SQUARE 211 NORTH ROBINSON OKLAHOMA CITY, OK 73102			JILLIONS, JOHN M	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,410

Applicant(s)

HUTCHISON ET AL.

Examiner

John M. Jillions

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-47 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-31 is/are rejected.
- 7) ☒ Claim(s) 14 and 32 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/25/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: paragraph [0011], line 8, “are” should be –is--; paragraph [0055], line 1, “out” should be –outer--; paragraph [0058], line 3, “gap 64” should be –gap 60--; and paragraph [0063], line 7, “lip 104” should be --lip 134--.

Appropriate correction is required.

Claim Objections

2. Claims 14 and 32 are objected to because of the following informalities: the word “inset” should apparently be –insert--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “defined between the housing adjacent to the cover” is not particularly clear—i.e. between the housing and what?

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-10, 13, 15, 17, 19-28, 31, 33, 35 are rejected under 35 U.S.C. 102(a) as being anticipated by Edwards et al. The embodiment of Figs. 1-7 of Edwards includes a housing 20, cover 70, a cylindrical reel portion 30 having a first cord portion 12a wrapped therearound and a

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second cord portion 12c within the interior of the cylindrical reel portion, the second cord portion being wrapped in coil form in the same and different directions depending on the amount of cord 12a being unwound, see the explanation in col. 5, lines 35-51, (and which would meet the terms of claims 3 and 19). The first cord portion extends out opening 15 tangential to the housing and the second cord portion extends out opening 19 in the cover 70. The planes of the cord portions extending out of the housing and cover are perpendicular to one another.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al in view of Benner. It would have been obvious to one of ordinary skill in the art to provide the device of Edwards et al with a cleaning brush device for cleaning the cord as it extends from and retracts into the housing as taught by Benner, note brush elements 24 of Benner, in order to prevent ingress of dirt to the reel housing.

8. Claims 18 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al in view of Ellis. It would have been obvious to one of ordinary skill in the art to mount the housing of Edwards et al at any desired location such as by using lugs on the housing in view of the teaching of Ellis, note lugs 12 on his cylindrical housing. Such a modification of Edwards et al would have been obvious since the device of Edwards et al could have been

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mounted to a wall, the device using the cord, etc. and the use of lugs would have been one obvious way to perform the mounting function.

9. Claims 11-12, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al in view of Burke. Burke discloses a similar spring reel cord device in which the second cord portion extends out from an opening between the housing and cover, note the cord portion 46 extending out an opening between cover 32 and housing portion 62, Fig. 4. It would have been obvious to provide the device of Edwards et al with an opening for the second cord portion between the housing and cover in view of the teaching of Burke. Such a modification would have been obvious since the second cord portion may need to be situated at a different location relative to the opening for the first cord portion for attachment to similarly mounted external device, such as a cell phone.

Allowable Subject Matter

10. Claims 14 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 37-47 are allowed.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Liao patent documents, Finlayson et al, Crispen, De Pas, Ryder et al and Simmons are cited to show other spring reel mechanisms and Arlauskas et al and Scandella are cited to show pretensioned springs adapted to be connected to their reels.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Jillions whose telephone number is (703) 308-2685. The examiner can normally be reached on M-F 9:15 - 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John M. Jillions
Primary Examiner
Art Unit 3654

jmj